

SENATE BILL No. 580

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-14-4; IC 25-36.5-1; IC 34-30-2-55.5.

Synopsis: Timber forestry reinvestment. Requires the director of the department of natural resources to conduct a referendum to determine whether to establish a board (to be known as the Indiana forestry reinvestment board) for the purpose of imposing and collecting an assessment on timber producers for the first purchase of trees and logs and for the purpose of carrying out certain forest reinvestment activities. Sets out requirements for the board and any assessment. (The introduced version of this bill was prepared by the natural resources study committee.)

Effective: July 1, 2001.

**Skillman, Wheeler, Lewis,
Craycraft**

January 23, 2001, read first time and referred to Committee on Natural Resources.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 580

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-24 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. "Board" has the
3 following meaning:
4 (1) **For purposes of IC 14-14-4, the meaning set forth in**
5 **IC 14-14-4-2.**
6 (2) For purposes of IC 14-27-6, the meaning set forth in
7 IC 14-27-6-2.
8 (3) For purposes of IC 14-32, the soil conservation board
9 established by IC 14-32-2-1.
10 (3) (4) For purposes of IC 14-33, the board of directors of a
11 conservancy district.
12 SECTION 2. IC 14-8-2-25.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2001]: **Sec. 25.5. "Board foot", for purposes of IC 14-14-4, has**
15 **the meaning set forth in IC 14-14-4-3.**
16 SECTION 3. IC 14-8-2-91.7 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



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1, 2001]: **Sec. 91.7. "First purchase", for purposes of IC 14-14-4, has the meaning set forth in IC 14-14-4-4.**

SECTION 4. IC 14-8-2-91.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 91.8. "First purchaser", for purposes of IC 14-14-4, has the meaning set forth in IC 14-14-4-5.**

SECTION 5. IC 14-8-2-102.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 102.5. "Forestry reinvestment", for purposes of IC 14-14-4, has the meaning set forth in IC 14-14-4-6.**

SECTION 6. IC 14-8-2-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 202. (a) "Person" means, except as provided in subsections (b) through (k), an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 14-12-2, has the meaning set forth in IC 14-12-2-3.

(c) "Person", for purposes of IC 14-16, IC 14-24, IC 14-26-2, IC 14-28-1, IC 14-28-3, IC 14-29-6, and IC 14-38-2, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, other legal entity, the state, or an agency, a political subdivision, or another instrumentality of the state.

(d) "Person", for purposes of IC 14-12-1, IC 14-12-2, IC 14-20-1, IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, or a governmental entity.

(e) "Person", for purposes of IC 14-14-4, has the meaning set forth in IC 14-14-4-7.

(f) "Person", for purposes of IC 14-22-31.5, has the meaning set forth in IC 14-22-31.5-2.

(g) "Person", for purposes of IC 14-25-3, has the meaning set forth in IC 14-25-3-1.

~~(g)~~ **(h)** "Person", for the purposes of IC 14-25-7, has the meaning set forth in IC 14-25-7-5.

~~(h)~~ **(i)** "Person", for purposes of IC 14-34, means an individual, a partnership, a limited liability company, an association, a society, a joint stock company, a firm, a company, a corporation, or other business organization.

~~(i)~~ **(j)** "Person", for purposes of IC 14-38-1, has the meaning set

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1 forth in IC 14-38-1-2.

2 ⌚ (k) "Person", for purposes of IC 14-24-12, has the meaning set
3 forth in IC 14-24-12-4.

4 SECTION 7. IC 14-8-2-215.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2001]: **Sec. 215.5. "Producer", for purposes
7 of IC 14-14-4, has the meaning set forth in IC 14-14-4-8.**

8 SECTION 8. IC 14-8-2-245.7 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2001]: **Sec. 245.7. "Sale", for purposes of
11 IC 14-14-4, has the meaning set forth in IC 14-14-4-9.**

12 SECTION 9. IC 14-14-4 IS ADDED TO THE INDIANA CODE AS
13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2001]:

15 **Chapter 4. Indiana Forestry Reinvestment**

16 **Sec. 1. (a) An assessment imposed under this chapter applies to
17 the sale of all species of trees cut to produce logs for the production
18 of boards, veneer, pulpwood, chips, staves, and, except as provided
19 in subsection (c), firewood.**

20 **(b) An assessment imposed under this chapter does not apply to
21 any unit of federal, state, or local government.**

22 **(c) An assessment imposed under this chapter does not apply to
23 the sale of firewood to consumers for personal use.**

24 **Sec. 2. As used in this chapter, "board" refers to the Indiana
25 forestry reinvestment board established by section 16 of this
26 chapter.**

27 **Sec. 3. As used in this chapter, "board foot" means a unit of
28 measurement using the Doyle scale, which is the standard unit of
29 measurement that provides the average number of board feet in a
30 log or standing tree by the process of measuring the diameter and
31 length and is measured as 12" x 12" x 1".**

32 **Sec. 4. As used in this chapter, "first purchase" means the first
33 sale of trees or logs at the time a contract is signed and:**

- 34 **(1) money is exchanged between the buyer and seller; or**
- 35 **(2) the economic interest is transferred.**

36 **Sec. 5. As used in this chapter, "first purchaser" means a person
37 who in a first purchase:**

- 38 **(1) purchases trees or logs from a producer; and**
- 39 **(2) is registered as a timber buyer under IC 25-36.5-1.**

40 **Sec. 6. As used in this chapter, "forestry reinvestment" means
41 any of the following:**

- 42 **(1) To engage in applied hardwood research and educational**

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programs directed toward increasing the knowledge of growing and harvesting hardwood trees and educating the general public about the sustainability of Indiana hardwood forests.

(2) To provide methods and means, including public relations and other promotion techniques, for the maintenance of current markets and the development of new or larger domestic and foreign markets for Indiana grown hardwoods.

(3) To provide cost share funds for private forest land management.

(4) To provide for the purchase of forest development rights from willing sellers and to hold those rights in a private not-for-profit forest management land trust that actively manipulates the forest by harvesting trees for the production of products for society's benefit. However, the term does not include a land trust that preserves lands for green space or ecological preservation.

Sec. 7. As used in this chapter, "person" means an individual, a partnership, a limited liability company, a public or private corporation, a cooperative, a society, an association, or a fiduciary.

Sec. 8. As used in this chapter, "producer" means a person engaged in the growing or selling of trees or the selling of cut logs in Indiana.

Sec. 9. As used in this chapter, "sale" means a conveyance of title or economic interest.

Sec. 10. (a) The director of the department of natural resources shall, before January 1, 2002, conduct a referendum by mail-in ballot of eligible producers to determine whether to:

(1) establish a board (to be known as the Indiana forestry reinvestment board);

(2) to impose and collect an assessment on timber producers for the first purchase of trees and logs; and

(3) to carry out certain forest reinvestment activities as described in this chapter. If the board is established, the director shall conduct a referendum by written ballot not less than every ten (10) years to determine if the board and its activities (including the imposition of an assessment on timber producers and forest investment activities) as described in this chapter should be continued. Eligible producers shall be determined by the director.

(b) The director shall notify the producers of the referendum by publishing a notice at least ninety (90) days before the referendum



as follows:

(1) In a statewide forestry publication.

(2) In the largest newspaper of general circulation in each district.

(3) In any other reasonable manner determined by the director.

(c) The notice of the referendum must set forth the period of time for voting, voting places, manner of voting, and other information that the director considers necessary.

(d) At the close of the referendum, the director shall appoint a committee to tabulate the written ballots cast and to certify the results of the referendum.

(e) The ballots constitute conclusive evidence as to the validity of the referendum.

(f) If a majority of the voting eligible producers vote to establish the board, the assessment, and the board's other activities, a vote to elect members of the board must be conducted not more than thirty (30) days after the referendum. The director shall use the procedures under sections 16 through 20 of this chapter to conduct the election for the initial members of the board. The initial members of the board shall be elected by mail-in ballots.

(g) Upon the election of initial board members, the person who receives the most votes from each district shall serve a three (3) year term, the person who receives the second most votes from each district shall serve a two (2) year term, and the person who receives the third most votes from each district shall serve a one (1) year term.

(h) The board shall determine when to begin to impose the assessment under section 25 of this chapter but the assessment may not be imposed until thirty (30) days after the board is established.

(i) If a majority of eligible producers vote to terminate the board, the assessment, and the board's other activities, no additional funds may be assessed under this chapter effective thirty (30) days after the referendum to terminate the board. The board, the assessment, and the board's other activities terminate after all funds have been expended whereupon the board shall cease to function.

(j) Upon receipt of a petition signed by at least five hundred (500) producers requesting a referendum to determine whether the Indiana forestry reinvestment program should be reinstated following termination under subsection (i), the director shall call for another referendum to be conducted within sixty (60) days

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after receipt of the petition. Producers shall vote by a mail-in ballot using the same procedures under this section as are used to conduct a referendum. A referendum to reinstate the Indiana forestry reinvestment program may not be held until at least six (6) months after the termination of the program.

Sec. 11. (a) If it is determined in a referendum conducted under section 10 of this chapter that a forestry reinvestment board should be established, a board to be known as the Indiana forestry reinvestment board is established in accordance with this chapter.

(b) The board consists of fifteen (15) members.

(c) Each member of the board must meet the following qualifications:

(1) Reside in the district identified in section 15 of this chapter from which the member was elected or appointed.

(2) Be a citizen of Indiana.

(3) Be at least twenty-one (21) years of age.

(4) Be a producer.

(d) Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency. However, board members are not entitled to any salary or per diem.

Sec. 12. (a) Except as provided in section 10 of this chapter for the initial members of the board, the term of office of a board member is three (3) years. A member's term of office expires on December 31 of the final year of the member's term. However, a member continues in office until a successor who meets the qualifications under section 16(c) of this chapter is elected or appointed.

(b) A board member may not hold office more than two (2) consecutive full terms.

Sec. 13. (a) If a member of the board ceases to meet the qualifications under section 11(c) of this chapter, the member's term of office immediately terminates and the member's office becomes vacant.

(b) When a board member's office becomes vacant before the expiration of the member's term of office, the board shall fill the vacancy by appointing a replacement member who meets the qualifications under section 11(c) of this chapter. The appointee shall serve for the remainder of the unexpired term.

Sec. 14. When necessary, the board may appoint individuals



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who hold offices of significance to the forestry community or have special expertise concerning the forestry industry to participate in the work of the board, but these individuals may not participate in votes taken by the board.

Sec. 15. Three (3) board members shall be elected from each of the following districts:

DISTRICT 1. The counties of Lake, Newton, Jasper, Benton, Porter, LaPorte, Starke, White, Pulaski, St. Joseph, Elkhart, Marshall, Kosciusko, Fulton, Carroll, Cass, Miami, Wabash, LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells, Adams, Warren, Tippecanoe, Clinton, and Howard.

DISTRICT 2. The counties of Vermillion, Parke, Putnam, Boone, Tipton, Grant, Hamilton, Madison, Hendricks, Montgomery, Marion, Hancock, Morgan, Brown, Johnson, Shelby, Bartholomew, Blackford, Jay, Delaware, Henry, Randolph, Wayne.

DISTRICT 3. The counties of Vigo, Sullivan, Greene, Knox, Daviess, Fountain, Martin, Owen, Clay, Monroe, Lawrence and Orange.

DISTRICT 4. The counties of Rush, Fayette, Union, Decatur, Jackson, Washington, Franklin, Jennings, Jefferson, Ripley, Dearborn, Ohio, Clark, Floyd, Switzerland, and Scott.

DISTRICT 5. The counties of Posey, Gibson, Pike, Dubois, Crawford, Harrison, Perry, Spencer, Warrick and Vanderburgh.

Sec. 16. An election of a board member must be held in a district in the year in which the term of the district's board member is to expire. Between April 1 and April 15 of that year, the board shall notify the producers of the district of the impending election by:

- (1) publishing one (1) notice in a statewide forestry publication;
- (2) publishing a notice in the largest newspaper of general circulation in each district; and
- (3) making information available to the news media in the district.

Sec. 17. (a) The ballot for the election of a district board member must bear the name of each producer who:

- (1) meets the qualifications set forth in section 11(c) of this chapter; and
- (2) files with the board before June 16 of the year of the election in the district.



(b) The board shall provide petition forms upon request and make forms available at cooperative extension service offices located in the district. The board shall determine the position of names on the ballot by drawing lots and shall provide the producers who have qualified to have their names on the ballot with advance notice of the time and place of the drawing.

(c) Names other than the names of the producers who have qualified under this section may not be printed on the ballot by the board. A name may not be written in on the ballot by a producer.

Sec. 18. For purposes of the election of a district board member, the board shall provide a ballot to every producer who requests a ballot from the board.

Sec. 19. (a) The board shall appoint an election judge to oversee the election of board members. The board shall also appoint a committee to count ballots and certify the results of elections of board members. An election judge or committee member may not:

(1) be listed on the ballot; or

(2) be the immediate family member of a person on the ballot.

(b) An election judge or committee member appointed under this section is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with official duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency, but is not entitled to any salary or per diem.

Sec. 20. The election of a district board member shall be conducted by the board in August by mail-in ballot to the election judge who is to certify the winner. The winner of an election takes office on the following January 1.

Sec. 21. The board shall do the following:

(1) Each year elect a chairman, vice chairman, secretary, treasurer, and other officers the board considers necessary.

(2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.

(3) Establish accounts in adequately protected financial institutions to receive, hold, and disburse funds accumulated under this chapter.

(4) Bond the treasurer and other persons as necessary to ensure adequate protection of funds received and administered by the board.

(5) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter, including reimbursing the director for the costs of elections

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and referenda conducted under this chapter.

(6) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the board and the scope of this chapter.

(7) Provide for an independent audit and make the results of the audit available to all interested persons.

(8) Annually:

(A) publish, at the same time as the results of the audit, an activities and financial report;

(B) present the activities and financial report to the budget agency and the budget committee; and

(C) make the activities and financial report available to all interested persons.

(9) Procure and evaluate data and information necessary for the proper implementation of this chapter.

(10) Formulate and execute assessment procedures and methods of collection.

(11) Establish procedures that allow a producer to reinvest the assessment back into the producer's forest land.

(12) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within the board's authority.

(13) Take any other action necessary for the proper implementation of this chapter.

Sec. 22. The board shall meet at the call of the chairperson but at least quarterly.

Sec. 23. (a) The board shall pay all expenses incurred under this chapter with money from the assessments remitted to the board under this chapter by first purchasers.

(b) The board may invest all money it receives under this chapter, including assessments, gifts, and grants, in any way allowed by law for the investment of public funds.

(c) The board may expend money from assessments and from investment income not needed for expenses for forestry reinvestment purposes.

(d) The board may not use money received, collected, or accrued under this chapter for any purpose other than the implementation of this chapter.

Sec. 24. (a) Obligations incurred by the board and other liabilities and claims against the board may be enforced only against the assets of the board in the same manner as if it were a corporation. Liabilities for the debts or actions of the board may

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not arise against:

- (1) the state;
- (2) any political subdivision (as defined in IC 34-6-2-110); or
- (3) any member, officer, employee, or agent of the board in an individual capacity.

(b) The members and employees of the board are not individually liable to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, or employee, except for their own individual acts that result in the violation of any law.

(c) An employee of the board is not individually liable for the act or omission of any member of the board.

(d) Any liability of the members of the board is several and not joint. A member of the board may not be held liable for the actions of any other member.

Sec. 25. (a) If it is determined in a referendum conducted under section 10 of this chapter that an assessment on timber producers should be imposed, the board shall impose an assessment of two cents (\$0.02) per board foot on all trees or logs grown and sold in Indiana. The assessment may be imposed and collected on a quantity of trees only once. The rate of the assessment imposed by this section may be increased to a rate not to exceed five cents (\$0.05) per board foot by the affirmative vote of ten (10) board members.

(b) The first purchaser of a quantity of trees or logs shall deduct the assessment on the trees or logs from the sum of money to be paid to the producer based on the sale of the trees or logs. A first purchaser shall accumulate assessments collected under this subsection throughout each of the following quarterly periods:

- (1) January, February, and March.
- (2) April, May, and June.
- (3) July, August, and September.
- (4) October, November, and December.

(c) The first purchaser shall provide the producer a receipt for each sale.

(d) At the end of each period, the first purchaser shall remit to the board the following:

- (1) All assessments collected during the quarterly period. A first purchaser who remits all assessments collected during a quarterly period within fifteen (15) days after the end of the period is entitled to retain two percent (2%) of the total of the assessments collected that quarter as a handling fee.

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(2) A record of each transaction that contains the following:

(A) The seller's name, address, and phone number.

(B) The first purchaser's name, address, phone number, and timber buyer's license number.

(C) The number of board feet sold, the amount paid, and the amount of assessment collected.

(D) A copy of a bank draft, personal check, cashier's check, certified check, money order, or a receipt from a credit card or debit card.

(e) The first purchaser shall keep copies of the documents required under subsection (d) for a period of three (3) years.

Sec. 26. (a) A first purchaser shall keep detailed records of all assessments collected and remitted under this chapter.

(b) Upon request, a first purchaser shall supply the board with any information from records kept under subsection (a).

Sec. 27. (a) A producer whose trees or logs have an assessment imposed under section 25 of this chapter may obtain a refund of the assessment under this section.

(b) To obtain a refund, a producer must submit an application for the refund to the board within three hundred sixty-five (365) days after the date of the sale of the trees or logs. The application must be submitted on a form supplied by the board under subsection (d). Proof of the imposition of the assessment, in the form of a duplicate or certified copy of the tree or log receipt provided to the producer by the first purchaser, must be attached to the application.

(c) The board shall approve the request for a forestry reinvestment use within one hundred twenty (120) days after receiving an application from the producer that meets the requirements set forth in subsection (b). However, a preference for assessment refunds must be given to producers who have or will have their land classified as a forest plantation or native forest land under IC 6-1.1-6.

(d) The board shall provide application forms as required under subsection (b) to producers. A first purchaser shall also provide an application form to a producer upon request.

(e) The board shall post notices to advise producers of the procedure for applying for a refund under this section. The board shall adopt rules under IC 4-22-2 to provide for the content and placement of the notice.

Sec. 28. (a) If a first purchaser fails to remit the assessments collected during a quarterly period under section 10(b) of this

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chapter within forty-five (45) days after the end of the quarterly period, the board shall contact the first purchaser and allow the first purchaser to present comments to the board concerning:

- (1) the status and amount of the assessments due; and
- (2) any reasons why the board should not bring legal action against the first purchaser.

(b) After allowing a first purchaser the opportunity to present comments, the board:

- (1) shall adjust the amount of the assessments due if the first purchaser's comments reveal that the board's figure is inaccurate; and
- (2) may assess a penalty against the first purchaser of not more than ten percent (10%) of the amount of any assessments not remitted within forty-five (45) days after the end of the quarterly period.

(c) If a first purchaser fails to remit assessments after being allowed to present comments under subsection (a) or to pay a penalty assessed under subsection (b), the board may bring a civil action against the first purchaser in the circuit or superior court of the county where the person resides or where the first purchase was conducted. The action shall be tried and a judgment rendered as in any other proceeding for the collection of a debt. In an action under this subsection, the board may obtain:

- (1) a judgment in the amount of all unremitted assessments and any unpaid penalty; and
- (2) an award of the costs of bringing the action.

Sec. 29. (a) If a person fails to discharge a duty imposed by this chapter other than remitted assessments, the board shall allow that person an opportunity to present comments to the board concerning any reasons why the board should not bring legal action against the person. If it is necessary to obtain compliance with this chapter, the board may bring an action against the person in the circuit or superior court of the county where the person resides or where the first purchase was conducted seeking an injunction mandating compliance and any other appropriate legal remedies.

(b) In an action under this section, the board may be granted injunctive relief without establishing the absence of an adequate remedy at law.

SECTION 10. IC 25-36.5-1-4.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.9. The director may refuse to issue a timber buyer registration certificate to an applicant



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1 that has:

- 2 (1) been convicted of a felony;
- 3 (2) violated a provision of this chapter; ~~or~~
- 4 (3) **violated a provision of IC 14-14-4; or**
- 5 (4) violated a rule adopted by the department under this chapter.

6 SECTION 11. IC 25-36.5-1-11 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. No certificate of
8 registration shall be issued to any person who is in default to the people
9 of the State of Indiana for moneys due under this chapter **or**
10 **IC 14-14-4.**

11 SECTION 12. IC 25-36.5-1-12 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. The department
13 may, after notice and a hearing, revoke the registration certificate or
14 license of any person who violates any of the provisions of this chapter
15 **or IC 14-14-4.** All proceedings under this chapter to revoke a license
16 shall be conducted in the manner prescribed by IC 4-21.5-3.

17 SECTION 13. IC 25-36.5-1-16 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. **(a)** The director
19 may revoke or suspend or refuse to issue any license or agent's
20 registration under that license if the applicant or holder of that license
21 has:

- 22 (1) been convicted of a felony;
- 23 (2) violated any provision of this chapter; ~~or~~
- 24 (3) **violated any provision of IC 14-14-4; or**
- 25 (4) violated any rule or regulation of the department promulgated
26 under this chapter.

27 **(b)** Revocation or suspension of a license or an agent's registration
28 shall be determined by the director after an administrative hearing as
29 provided in section 12 of this chapter.

30 SECTION 14. IC 34-30-2-53.5 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2001]: **Sec. 53.5. IC 14-14-4 (Concerning**
33 **members and employees of the Indiana forestry reinvestment**
34 **board in their individual capacity).**

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